

State of Wisconsin



2021 Senate Bill 210

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 9.01 (3) and 12.60 (1) (b); and *to create* 7.41 (4m) and 12.13 (2) (b) 9. of the statutes; **relating to:** election observers and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 7.41 (4m) of the statutes is created to read:

7.41 (4m) (a) The municipal clerk, chief inspector, and board of canvassers shall provide election observers uniform and nondiscriminatory access to all stages of the election process, including the certification of election technologies, absentee voting in person, canvassing, elector appeals, vote tabulation, and recounts.

(b) 1. An individual who is observing an election process shall wear a badge with the first initial and last name of the individual.

2. a. An election observer may not wear any campaign material advocating voting for or against a candidate or for or against any position on a ballot question, except that this subdivision does not apply to a name tag or badge worn by an individual observing a recount under s. 9.01 that includes a candidate's campaign logo or the name of the organization that the observer represents.

b. An election observer who violates this subdivision may be expelled by the municipal clerk, chief inspector, or board of canvassers.

3. An election observer may not interfere with any elector in the preparation or casting of the elector's ballot or hinder or prevent the performance of the duties of any election official. An election observer who violates this subdivision is subject to a forfeiture not to exceed \$500.

SECTION 3d. 9.01 (3) of the statutes is amended to read:

9.01 (3) REPRESENTATION AND OBSERVATION. The petitioner, all opposing candidates and interested persons shall be entitled to be present in person and by counsel to observe the proceedings. The board of canvassers shall establish observation areas that are no more than 3 feet from a table where ballots and other election-related materials are being examined and processed.

SECTION 3f. 12.13 (2) (b) 9. of the statutes is created to read:

12.13 (2) (b) 9. Intentionally obstructs an election observer's access to observe election procedures.

SECTION 3g. 12.60 (1) (b) of the statutes is amended to read:

12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.; or 9. or (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."